UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO. CR05-0272C
Plaintiff,) CASE NO. CR05-02/2C
VS.	ORDER
SARBJIT SINGH VIRK, et al.)
Defendants.)

This matter comes before the Court on the Defendants' Joint Motion to Continue Trial (Dkt. No. 79). For the reasons the follow, the Court GRANTS Defendants' joint motion.

Trial in this case currently is scheduled for November 14, 2005. The Court finds, however, that the Defendant and his counsel need additional time to prepare for trial. Based on the representations of defendant's counsel, the court finds that without a delay of the trial date in order for the defendant and his counsel to gather documents and consult with witnesses, Mr. Virk's defense would be significantly impacted.

Because of the nature of the charge, and the potential penalties to Mr. Virk if he is convicted, Defense Counsel's efforts in this regard are in good faith and in keeping with the standards of effective assistance of counsel. Therefore, additional time is required for counsel to prepare for trial beyond the currently scheduled trial date of November 14, 2005.

The Court also finds that the government agrees with defendant's request for additional time, and is not prejudiced thereby. This Court also finds that the defendant agrees with defense counsel's assertions and also wishes to delay the trial. Finally, the Court finds that no other co-

Case 2:05-cr-00272-JCC Document 86 Filed 10/27/05 Page 2 of 2

defendant has an objection to the proposed continuance, and is not prejudiced thereby. The Court further finds that all defendants have filed appropriate waivers of their speedy trial rights.

The Court further finds, pursuant to 18 U.S.C. § 3161(h)(8)(a) that the ends of justice will be served by continuing the trial in this case, in order to allow the defendant additional time to seek evidence on his behalf in this case, and for both the defense and the government to prepare effectively for trial on the existing charges, outweigh the interest of the public and of the defendant in a more speedy trial.

The Court further finds that counsel for Mr. Virk is scheduled for an Aggravated Murder trial in Pierce County Superior Court beginning October 24, 2005, which would make him unavailable for the current trial date in this matter. Therefore, the Court finds, pursuant to 18 U.S.C. § 3161(h)(b)(iv), that counsel is unavailable for trial, requiring a continuance.

IT IS THEREFORE ORDERED that the trial in this case shall be continued until February 27, 2006, and that the period of time from the date of this order up to and including February 27, 2006, shall be excludable time under 18 U.S.C. § 3161(h)(8)(a).

IT IS FURTHER ORDERED that the date for filing of pre-trial motions shall be extended to January 19, 2006.

SO ORDERED this 27th day of October, 2005.

UNITED STATES DISTRICT JUDGE

L C Coylin